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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,448	01/06/2004	Seiji Takubo	2003-1902A	2591

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EXAMINER

CAMPBELL, KELLY E

ART UNIT PAPER NUMBER

3618

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/751,448	<b>Applicant(s)</b> TAKUBO ET AL.	
	<b>Examiner</b> Kelly E. Campbell	<b>Art Unit</b> 3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                       |                                                                                        |
|-----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                           | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____                                                |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Hsia (US 6,471,222).

Hsia teaches a stroller comprising: a main structure, front legs, and rear legs; and a cushioning seat structure formed of a cushioning material provided with a handle (15) including a pair of back pipes (151); a body structure (20) disposed between the pair of back pipes (151), and having a back part (132), and a pair of side parts (24,25) on the right and left sides of the back part (132);

a seat (131);

and a reclining mechanism (21,23) capable of adjusting the inclination of the body structure relative to the seat;

wherein the pair of side parts are connected to the corresponding back pipes by connecting members of a fabric material (silent), see Figure 3A, having a predetermined length;

wherein the connecting members are connected to back sides near the outer edges of the corresponding side parts (24,25) integrated in a single structure, see Column 3, lines 45-54;

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsia (US 6,471,222) as applied to above, and further in view of Tam et al (US 5,662,380).

Hsia teaches all aspects of the claimed invention as discussed above, for claim 1, but does not discuss elastic members embedded in the seat structure.

Tam et al teaches a stroller comprising: a main structure including a handle, wherein plastic, elastic members (216,218) are embedded at least in some parts of the seat structure (100), specifically, the side parts of the cushioning seat structure, see Figure 3;

wherein the elastic members (216,218) are embedded in bendable parts of the cushioning seat structure, which are bent when the stroller is folded up by operating the folding mechanism.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the foldable stroller taught by Hsia to include the biased

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elastic members taught by Tam et al in order to bias the seat back in the forward direction for ease of folding of the chair.

With regards to claims 8 and 9, it would have been further obvious to one of ordinary skill in the art at the time the invention was made, to provide an elastic member on the seat portion of the body structure of the stroller for further biasing the seat to collapse, since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japiske, 86 USPQ 70.

Claims 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woods (US 4,132,429) in view of Hsia (US 6,471,222).

Woods teaches a stroller comprising: a main structure including a handle (18), a pair of rear legs (24), and a pair of front legs (22);

a support sheet (14) supported on the main structure and including a supporting seat part and a supporting back part (upper and lower parts of side sheets 55,56), see Figure 1; side parts (55,56) rising from the right and left sides of the seat part,

and a detachable seat structure (48,49), see Figure 3, supported on the support sheet (14), and having a seat part (48), and a back part rising from the back side of the seat part (49).

Woods does not teach string reclining mechanism.

Hsia teaches stroller having a reclinable back formed of fabric, see Figure 2, having an adjustable reclining mechanism (26,23)

wherein strings (26) are extended in and fastened to side parts of the seat structure to hold the side parts in a standing position;

wherein the strings are extended in the side parts so as to slope up rearward;

wherein the strings have each opposite ends fixedly held in the side parts.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the reclinable stroller taught by Woods, such that the seat structure has side parts connected to strings as taught by Hsia, for raising and lowering the seat back in an adjustable manner as an alternate reclining mechanism to the hooks taught by Woods.

With regards to claim 14, it would have been further obvious to modify the string configuration of the stroller, such that, the strings are extended in the side parts so as to slope down rearward, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. In re Einstein, 8 USPQ 167.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Woods (US 4,132,429) in view of Hsia (US 6,471,222) as applied to claim 12 above, and further in view of Mong-Hsing (US 5,087,066).

Woods in view of Hsia teach all aspects of the claimed invention, except the support sheet having a back part and side parts.

Mong-Hsing teaches a support sheet (74) for a seat structure (76), wherein the support sheet has side parts and a back part disposed above the seat structure (76).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the reclinable stroller invention taught by Woods in view of Hsia to include a seat support sheet having a back part, such as taught by Mong-Hsing, in order to provide additional support to the seat structure for supporting a child safely.

### ***Conclusion***

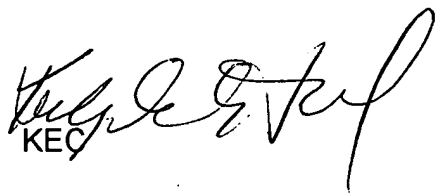
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Harvey teaches a seat sheet with connectors for attaching to back posts of the stroller. Takahashi et al teaches a seat having connectors for attaching to stroller back posts and an adjustable reclining mechanism. Kitayama et al, Eichhorn, Stroud et al Hsia '316 and Kassai et al teach a seat having connectors for attaching to stroller back posts and an adjustable reclining mechanism.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly E. Campbell whose telephone number is (571) 272-6693. The examiner can normally be reached on 9:00-5:30 Monday-Friday.

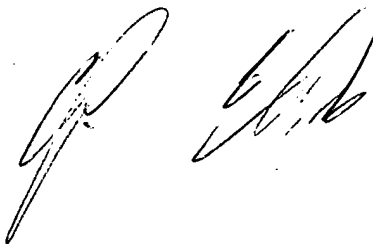
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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